

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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**No. 04-7090**

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UNITED STATES OF AMERICA,

Plaintiff - Appellee,

versus

SCOTTIE BALLARD,

Defendant - Appellant.

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Appeal from the United States District Court for the District of South Carolina, at Columbia. C. Weston Houck, Senior District Judge. (CR-01-229; CA-02-2105-3)

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Submitted: December 15, 2004

Decided: January 5, 2005

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Before WILKINSON, TRAXLER, and DUNCAN, Circuit Judges.

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Dismissed by unpublished per curiam opinion.

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Scottie Ballard, Appellant Pro Se. Stacey Denise Haynes, OFFICE OF THE UNITED STATES ATTORNEY, Columbia, South Carolina, for Appellee.

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Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

PER CURIAM:

Scottie Ballard seeks to appeal the district court's order denying relief on his motion filed under 28 U.S.C. § 2255 (2000). The order is not appealable unless a circuit justice or judge issues a certificate of appealability. 28 U.S.C. § 2253(c)(1) (2000). A certificate of appealability will not issue absent "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2) (2000). A prisoner satisfies this standard by demonstrating that reasonable jurists would find that his constitutional claims are debatable and that any dispositive procedural rulings by the district court are also debatable or wrong. See Miller-El v. Cockrell, 537 U.S. 322, 336 (2003); Slack v. McDaniel, 529 U.S. 473, 484 (2000); Rose v. Lee, 252 F.3d 676, 683 (4th Cir. 2001). We have independently reviewed the record and conclude that Ballard has not made the requisite showing. Accordingly, we deny leave to proceed in forma pauperis, deny Ballard's motion for a certificate of appealability, and dismiss the appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED